

House Bill 1427 (AS PASSED HOUSE AND SENATE)

By: Representatives Marin of the 96th and Rice of the 51st

A BILL TO BE ENTITLED

AN ACT

To amend an Act providing a new charter for the City of Norcross, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 5, 1993 (Ga. L. 1993, p. 4727), and by an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), so as to change the terms of the mayor and city councilmembers; to provide for a referendum; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Norcross, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 5, 1993 (Ga. L. 1993, p. 4727), and by an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), is amended by revising Section 2.11 as follows:

"SECTION 2.11.

Mayor and city council terms and qualification for office.

The mayor and city councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she is a qualified municipal voter. No person shall be eligible to serve as mayor or councilmember unless he or she is at least 18 years of age and has been a resident of the city for at least one year immediately prior to the date of his or her election. The mayor and each councilmember shall continue to reside in the city during their period of service."

SECTION 2.

Said Act is further amended by revising Section 5.11 as follows:

"SECTION 5.11.

Regular elections; time for holding.

(a) The mayor and councilmembers serving on the effective date of this Act shall remain in office until the normal expiration of their terms of office and until their successors are elected and qualified.

(b) Successors to David McLeroy, Andrew Hixson, and Ross Kaul whose terms expire December 31, 2010, shall be elected on the Tuesday next following the first Monday in November of 2010 for a term of two years and until their successors are elected and qualified.

(c) Successors to the mayor and those two councilmembers whose terms expire December 31, 2011, shall be elected on the Tuesday next following the first Monday in November of 2011 for a term of three years and until their successors are elected and qualified.

(d) Successors to those three councilmembers whose terms expire December 31, 2012, shall be elected on the Tuesday next following the first Monday in November of 2012 and every four years thereafter and shall serve for terms of office of four years and until their successors are elected and qualified.

(e) Successors to the mayor and those two councilmembers whose terms expire December 31, 2014, shall be elected on the Tuesday next following the first Monday in November of 2014 and every four years thereafter and shall serve for terms of office of four years and until their successors are elected and qualified."

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Norcross shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Norcross for approval or rejection. The municipal election superintendent shall conduct that election on the Tuesday after the first Monday in November, 2010, and shall issue the call and conduct that election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Gwinnett County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides new terms for the mayor and city councilmember and staggers such terms?"
() NO

57 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
58 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
59 such question are for approval of the Act, then Sections 1 and 2 of this Act shall become of
60 full force and effect immediately. If Sections 1 and 2 of this Act are not so approved or if
61 the election is not conducted as provided in this section, Sections 1 and 2 of this Act shall not
62 become effective and this Act shall be automatically repealed on the first day of January
63 immediately following that election date. The expense of such election shall be borne by the
64 City of Norcross. It shall be the municipal election superintendent's duty to certify the result
65 thereof to the Secretary of State.

66 **SECTION 4.**

67 The governing authority of the City of Norcross shall through its legal counsel cause this Act
68 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
69 and such submission shall be made to the United States Department of Justice or filed with
70 the appropriate court no later than 45 days after the date on which this Act is approved by the
71 Governor or otherwise becomes law without such approval.

72 **SECTION 5.**

73 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon
74 its approval by the Governor or upon its becoming law without such approval.

75 **SECTION 6.**

76 All laws and parts of laws in conflict with this Act are repealed.